

REMARKS/ARGUMENT

Claims 1-9 are currently pending in the present application.

Applicants thank the Examiner for indicating that claims 4 and 5 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 4 and 5 have been rewritten pursuant to the Examiner's suggestion. These amendments have not been made for purposes of patentability or to avoid the prior art. Rather, these amendments have been made solely to place claims 4 and 5 in independent form so that the subject matter of these claims, subject matter which the Examiner indicated is allowable over the prior art, can issue as allowed claims. By writing these claims in independent form, Applicants **do not intend** to impliedly represent that the basis for the Examiner's rejection of claim 1 has merit. It is respectfully submitted that claims 4 and 5 are now in allowable condition.

Also, claims 1, 2, 6, and 8 have been amended herein to clarify the subject matter contained therein and to address minor non-substantive errors of form. Again, Applicants make clear that these amendments have not been made for purposes of patentability or to avoid the prior art.

It is respectfully submitted that all claim amendments do not add new matter and have adequate support throughout the Specification as originally filed. Otherwise, Applicants respectfully traverse all objections and claim rejections for the reasons that follow.

I. PRIORITY DOCUMENT

Applicants direct the Examiner's attention to the paper filed on February 26, 2004, in which Applicants submitted the priority document in its entirety. Since the mailing of this paper occurred only 12 days before the mailing date of the current Office Action, Applicants presume that the priority document was not in the Examiner's possession at the time the Office Action was mailed. Accordingly, it is kindly requested that the Examiner acknowledge receipt of the foreign priority document in the next Office communication.

II. OBJECTION TO THE DRAWINGS

The drawings were objected to for not illustrating a control valve, as recited within the claims. Enclosed herewith on a separate sheet of paper is a "Request for Proposed Drawing Corrections," together with a red-lined version of Figure 1 showing the control valve 1.10. It is respectfully submitted that the amendments to the drawings do not add new matter and have adequate support throughout the Specification. Accordingly, it is kindly requested that the objection to the drawings be withdrawn.

III. OBJECTION TO THE SPECIFICATION

The Specification was objected to for allegedly not providing antecedent basis for certain claim terminology. Applicants have amended the Specification herein to indicate that the outlet channel may be "positioned at a location across the membrane body selected for reducing gas pressure above the outlet channel for controlling the manufacture of a glass gob suspended above the membrane body." It is respectfully submitted that the amendments to the Specification do not add new matter at least because the subject matter added to the Specification was contained in the claims as originally filed. M.P.E.P. § 608.04. Accordingly, it is kindly requested that the objection to the Specification be withdrawn.

IV. REJECTIONS OF CLAIMS 1-9 UNDER 35 U.S.C. § 112

Claims 1-9 were rejected as indefinite under 35 U.S.C. § 112, second paragraph, for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1, 2, 6, and 8 have been amended to address the Examiner's § 112, second paragraph, concerns. It is respectfully submitted that the amendments do not add new matter and have adequate support throughout the Specification. Accordingly, it is kindly requested that the rejections of claims 1-9 under 35 U.S.C. § 112, second paragraph, be withdrawn.

V. REJECTIONS OF CLAIMS 1-3 AND 6-9 UNDER 35 U.S.C. § 102(b)

Claims 1-3 and 6-9 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,908,735 to Di Candia (hereinafter "Di Candia"). Respectfully, Applicants traverse.

Claim 1 relates to "[a] device for producing glass gobs, comprising: a membrane body including . . . a porous material for permitting passage of compressed gas through pores of the membrane body to levitate the glass gobs above the gas outlet surface of the membrane body; at least one channel, formed in the membrane body and larger in cross section than the pores therein for introduction of compressed gas into the membrane body and passage of the compressed gas across the membrane body; the at least one channel is embedded in the porous material of the membrane body and is positioned at a distance from the outlet surface of the membrane body such that the compressed gas introduced through the at least one channel may pass through the membrane body and out the outlet surface to levitate the glass gobs above the gas outlet surface of the membrane body."

Di Candia does not relate to the formation of glass gobs, but rather is directed to the totally unrelated field of casting steel. Di Candia discloses a discharger 1 and outlet ports 2 surrounded by a rigid ingot mold 3. (Di Candia, col. 2, lines 37-44). Liquid, molten steel is introduced into the mold 3 and, through the injection of an inert gas into a cavity formed within the mold, advantageous currents are produced for preventing non-metallic material from concentrating on the interface between the hardened steel and the liquid steel. (Di Candia, col. 2, lines 51-63).

To reject a claim as anticipated, the Examiner must demonstrate that a single prior art reference discloses every feature of the claim. In accordance with this standard, it is respectfully submitted that Di Candia does not disclose "[a] device for producing glass gobs," as recited in claim 1. As described above, the Di Candia apparatus does not produce glass gobs, but rather is designed to cast steel.

Further regarding claim 1, it is respectfully submitted that Di Candia does not disclose "a membrane body [that] includes a porous material," as recited in this claim. The Examiner contends that the rigid ingot mold of Di Candia, a rigid mold designed to receive

molten steel, can be considered the porous membrane of Claim 1. However, claim construction principles require an Examiner to give claim terms their broadest **reasonable** interpretation. M.P.E.P. § 2111. In this regard, it is respectfully submitted that a rigid ingot mold cannot reasonably be considered a membrane, as this term is recited in claim 1.

Further regarding claim 1, it is respectfully submitted that Di Candia does not disclose "passage of compressed gas through pores of the membrane body **to levitate the glass gobs above the gas outlet surface of the membrane body**," as recited in this claim. As described above, Di Candia is directed toward an apparatus for casting molten steel. Di Candia is simply not concerned with glass gobs, much less the levitation of such gobs.

For at least the foregoing reasons, it is respectfully submitted that claim 1 is allowable over Di Candia. Furthermore, since claims 2, 3, and 6-9 ultimately depend from claim 1, it is respectfully submitted that these claims are allowable over Di Candia for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 1-3 and 6-9 under 35 U.S.C. § 102(b) be withdrawn.


VI. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are currently in allowable condition. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on May 6, 2004:

Robert C. Faber

Name of applicant, assignee or
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Signature

May 6, 2004

Date of Signature

RCF:BND

Respectfully submitted,

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